



REPLY TO  
ATTENTION OF

DEPARTMENT OF THE ARMY  
NEW YORK DISTRICT, CORPS OF ENGINEERS  
JACOB K. JAVITS FEDERAL BUILDING  
NEW YORK, N.Y. 10278-0090

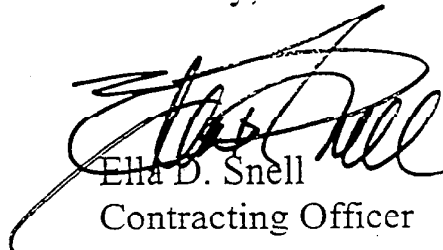
Contracts Branch  
Contracting Division

SUBJECT: Central Contractor Registration

TO ALL PROSPECTIVE CONTRACTORS:

Please be advised that it is now required to register with the CCR (Central Contractor Registration) in order to perform work for the Federal Government. For additional information, please refer to the instruction sheet on the back of this letter, which includes the appropriate websites and telephone numbers.

Sincerely,

A handwritten signature in black ink, appearing to read "Ella D. Snell", is written over the typed name and title.

Ella D. Snell  
Contracting Officer

# CENTRAL CONTRACTOR REGISTRATION

***[HTTP://WWW.ACQ.OSD.MIL/EC](http://www.acq.osd.mil/ec)***

**1(800) 334-3414**

The Central Contractor Registry (CCR) is the Government's new national storing house of commercial and financial information on current and would-be contractors.

CCR eliminates the requirement for current and future contractors to submit Standard Form 129 and provides a single location for registering to conduct business with the Federal Government. Access to the register is available via the World Wide Web. A registration workbook is available for downloading from this site. It is highly recommended you review it prior to processing CCR to ensure all required information is available. Contractors are required to have a DUNS (Data Universal Numbering System) assigned by Dunn & Bradstreet at no charge (call 1-800-333-0505).

The initial Web Site application capability is for the initial contractor registration only. The ability to change, update or cancel a registration and query contractor information via the Web is currently in effect. After submitting a registration, contractors may use the Web application to inquire as to the status of their registration. Typically, a registration will be activated within 48 hours after receiving a complete and accurate application via the Internet. To register via the Internet, go to <http://ccr.edi.disa.mil>. Registration of an applicant through fax or mail may take up to 30 days. The mailing addresses are as follows: For firms with Legal business names beginning with the letters A-K or a number use CCR Registration Assistance Center, 2000 South Loop 256, Suite 11, Palestine, Texas 75801, FAX NO: (903) 729-7988. For firms with Legal business names beginning with the letters L-Z or a number use CCR Registration Assistance Center, 1450 Scalp Avenue, Johnstown, PA. 15904 FAX NO: (814) 262-2326. For those Contractor's who chose to register by mail, a paper registration form can be used and sent or faxed to the appropriate above address who will also furnish the form. Once successfully registered in CCR, a notice will be sent via email, fax, or regular post with information that a Trading Partner Identification Number (TPIN) will soon follow. For CCR implementation and contract questions please contact Robert Cooper at (703) 681-7573.

Anyone may access CCR via the Web to inquire whether vendor is registered at the following site: <http://ccr.edi.disa.mil>.

Information or assistance is available from your local Electronic Commerce Resources Center or Electronic Commerce Information Center at 1-800-334-3414 (8am-8pm), Monday-Friday, except Federal Holidays.

Additionally, your local Procurement Technical Assistance Center (PTAC) employs highly skilled professionals to help businesses like ours earn Federal and State Government contracts; assist with your CCR enrollment. The PTAC can provide Government specifications, daily listings of bid opportunities, bid history and contract award results, training and assistance with Electronic Data Exchange (EDI).

To find the office nearest you, the national PTAC directory can be accessed at Website <http://www.fedmarket.com/tecassis.html>.

<b>SOLICITATION, OFFER, AND AWARD</b> <i>(Construction, Alteration, or Repair)</i>	1. SOLICITATION NO. DACW51-02-B-0001	2. TYPE OF SOLICITATION <input checked="checked" type="checkbox"/> SEALED BID (IFB) <input type="checkbox"/> NEGOTIATED (RFP)	3. DATE ISSUED 15-Feb-2002	PAGE OF PAGES 1 OF 34
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**IMPORTANT - The "offer" section on the reverse must be fully completed by offeror.**

4. CONTRACT NO.	5. REQUISITION/PURCHASE REQUEST NO. W16ROE-1323-3646	6. PROJECT NO.
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7. ISSUED BY USA ENGINEER DISTRICT, NEW YORK ATTN: CENAN-CT ROOM 31-100 26 FEDERAL PLAZA (DACW51) NEW YORK NY 10278-0090  TEL: (212)264-      FAX: (212)264-3013	8. ADDRESS OFFER TO <i>(If Other Than Item 7)</i> CODE <div style="text-align: center; font-weight: bold; padding: 10px;">See Item 7</div> TEL:      FAX:
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9. FOR INFORMATION CALL:	A. NAME JACQUELLINE DALY	B. TELEPHONE NO. <i>(Include area code) (NO COLLECT CALLS)</i> 212-264-3269
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SOLICITATION

**NOTE: In sealed bid solicitations "offer" and "offeror" mean "bid" and "bidder".**

10. THE GOVERNMENT REQUIRES PERFORMANCE OF THE WORK DESCRIBED IN THESE DOCUMENTS      *(Title, identifying no., date):*  
  
 MAINTENANCE DREDGING IN FLUSHING BAY AND CREEK, FEDERAL NAVIGATION CHANNEL  
  
 UNRESTRICTED  
  
 POINT OF CONTACT TECHNICAL MANAGEMENT - PATRICIA DONOHUE (212) 264-9032  
  
 POINT OF CONTACT CONTRACT SPECIALIST - JACQUELLINE DALY (212) 264-3269 OR 9069  
  
 NOTE: THIS IS A TWO STEP SOLICITATION. STEP ONE REQUIREMENTS IS RESTRICTED TO TECHNICAL PROPOSALS ONLY. SUBMITTED PROPOSALS SHALL CONFORM TO THE REQUIREMENTS AS OUTLINED WITHIN THE SPECIFICATIONS. STEP TWO OF THE SOLICITATION SHALL INCLUDE PRICED PROPOSALS FROM THOSE BIDDERS THAT HAVE BEEN DETERMINED TO BE ACCEPTABLE FROM STEP ONE OF THIS SOLICITATION. FIELDS IN THE CLAUSES SECTION SHALL REMAIN UNFILLED UNTIL STEP TWO OF THE SOLICITATION.

11. The Contractor shall begin performance within <u>  5  </u> calendar days and complete it within <u>  50  </u> calendar days after receiving <input type="checkbox"/> award, <input checked="checked" type="checkbox"/> notice to proceed. This performance period is <input checked="checked" type="checkbox"/> mandatory, <input type="checkbox"/> negotiable. (See _____ .)	
12 A. THE CONTRACTOR MUST FURNISH ANY REQUIRED PERFORMANCE AND PAYMENT BONDS? <i>(If "YES," indicate within how many calendar days after award in Item 12B.)</i> <input checked="checked" type="checkbox"/> YES <input type="checkbox"/> NO	12B. CALENDAR DAYS  10

13. ADDITIONAL SOLICITATION REQUIREMENTS:  
  
 A. Sealed offers in original and   1   copies to perform the work required are due at the place specified in Item 8 by \_\_\_\_\_ (hour) local time \_\_\_\_\_ (date). If this is a sealed bid solicitation, offers must be publicly opened at that time. Sealed envelopes containing offers shall be marked to show the offeror's name and address, the solicitation number, and the date and time offers are due.  
  
 B. An offer guarantee ☒ is, ☐ is not required.  
  
 C. All offers are subject to the (1) work requirements, and (2) other provisions and clauses incorporated in the solicitation in full text or by reference.  
  
 D. Offers providing less than   60   calendar days for Government acceptance after the date offers are due will not be considered and will be rejected.

<b>SOLICITATION, OFFER, AND AWARD (Continued)</b> <i>(Construction, Alteration, or Repair)</i>											
<b>OFFER (Must be fully completed by offeror)</b>											
14. NAME AND ADDRESS OF OFFEROR <i>(Include ZIP Code)</i>					15. TELEPHONE NO. <i>(Include area code)</i>						
					16. REMITTANCE ADDRESS <i>(Include only if different than Item 14)</i>						
					<b>See Item 14</b>						
CODE		FACILITY CODE			17. The offeror agrees to perform the work required at the prices specified below in strict accordance with the terms of this solicitation, if this offer is accepted by the Government in writing within _____ calendar days after the date offers are due. <i>(Insert any number equal to or greater than the minimum requirements stated in Item 13D. Failure to insert any number means the offeror accepts the minimum in Item 13D.)</i>						
AMOUNTS		SEE SCHEDULE OF PRICES									
18. The offeror agrees to furnish any required performance and payment bonds.											
<b>19. ACKNOWLEDGMENT OF AMENDMENTS</b> <i>(The offeror acknowledges receipt of amendments to the solicitation -- give number and date of each)</i>											
AMENDMENT NO.											
DATE											
20A. NAME AND TITLE OF PERSON AUTHORIZED TO SIGN OFFER <i>(Type or print)</i>					20B. SIGNATURE				20C. OFFER DATE		
<b>AWARD (To be completed by Government)</b>											
21. ITEMS ACCEPTED: <div style="font-size: 24pt; font-weight: bold; margin-top: 10px;">SEE SCHEDULE</div>											
22. AMOUNT		23. ACCOUNTING AND APPROPRIATION DATA									
24. SUBMIT INVOICES TO ADDRESS SHOWN IN <i>(4 copies unless otherwise specified)</i>				<b>ITEM</b>	25. OTHER THAN FULL AND OPEN COMPETITION PURSUANT TO <input type="checkbox"/> 10 U.S.C. 2304(c) <input type="checkbox"/> 41 U.S.C. 253(c)						
26. ADMINISTERED BY			CODE					27. PAYMENT WILL BE MADE BY			CODE
CONTRACTING OFFICER WILL COMPLETE ITEM 28 OR 29 AS APPLICABLE											
<input type="checkbox"/> 28. NEGOTIATED AGREEMENT <i>(Contractor is required to sign this document and return _____ copies to issuing office.)</i> Contractor agrees to furnish and deliver all items or perform all work, requisitions identified on this form and any continuation sheets for the consideration stated in this contract. The rights and obligations of the parties to this contract shall be governed by (a) this contract award, (b) the solicitation, and (c) the clauses, representations, certifications, and specifications or incorporated by reference in or attached to this contract.					<input type="checkbox"/> 29. AWARD <i>(Contractor is not required to sign this document.)</i> Your offer on this solicitation, is hereby accepted as to the items listed. This award consummates the contract, which consists of (a) the Government solicitation and your offer, and (b) this contract award. No further contractual document is necessary.						
30A. NAME AND TITLE OF CONTRACTOR OR PERSON AUTHORIZED TO SIGN <i>(Type or print)</i>					31A. NAME OF CONTRACTING OFFICER <i>(Type or print)</i>						
30B. SIGNATURE			30C. DATE			31B. UNITED STATES OF AMERICA BY			31C. AWARD DATE		

CONTINUED FROM SF 1442 – BLOCK #17 – “The prices are not to be submitted at this time.”

SECTION 00010 Solicitation Contract Form

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	TECHNICAL PROPOSAL - MAINTENANCE DREDGING FOR FFP - FLUSHING BAY AND CREEK, NY FEDERAL NAVIGATION PROJECT - STEP ONE SUBMISSION OF A TECHNICAL PROPOSAL FOR THE TECHNICAL REQUIREMENTS FOR THE MAINTENANCE DREDGING AND CONTRACTOR FURNISHED DISPOSITION SITE OF THE NEW YORK AND NEW JERSEY CHANNELS, FEDERAL NAVIGATION CHANNEL IAW INSTRUCTIONS WITHIN PURCHASE REQUEST NUMBER W16ROE-1323-3646 PRICES ARE NOT TO BE SUBMITTED AT THIS TIME.	1.00	Lump Sum		

TOTAL----- \$ N/A

## SECTION 00100 Bidding Schedule/Instructions to Bidders

### CLAUSES INCORPORATED BY REFERENCE:

52.204-6	Data Universal Numbering System (DUNS) Number	JUN 1999
52.214-1	Solicitation Definitions--Sealed Bidding	JUL 1987
52.214-3	Amendments To Invitations For Bids	DEC 1989
52.214-4	False Statements In Bids	APR 1984
52.214-5	Submission Of Bids	MAR 1997
52.214-6	Explanation To Prospective Bidders	APR 1984
52.214-7	Late Submissions, Modifications, and Withdrawals of Bids	NOV 1999
52.214-12	Preparation Of Bids	APR 1984
52.214-18	Preparation of Bids-Construction	APR 1984
52.214-19	Contract Award-Sealed Bidding-Construction	AUG 1996
52.214-23	Late Submission, Modifications, And Withdrawals Of Technical Proposals Under Two-Step Sealed Bidding	NOV 1999
52.214-24	Multiple Technical Proposals	APR 1984
52.214-34	Submission Of Offers In The English Language	APR 1991
52.214-35	Submission Of Offers In U.S. Currency	APR 1991
52.232-15	Progress Payments Not Included	APR 1984
52.232-38	Submission of Electronic Funds Transfer Information with Offer	MAY 1999

**TECHNICAL REQUIREMENTS INSTRUCTIONS TO OFFERORS**  
**STEP ONE OF TWO-STEP BID PROCESS**  
**PROJECT NO. DACW51-02-B-0001:**  
**MAINTENANCE DREDGING AND DISPOSITION OF DREDGED MATERIAL FROM**  
**FLUSHING BAY AND CREEK, FEDERAL NAVIGATION CHANNEL (Contractor-furnished disposal**  
**area)**

## **I. INTRODUCTION**

The U.S. Army Corps of Engineers, New York District (hereinafter referred to as the "Government") solicits Technical Proposals for performing all activities listed in the sub-paragraphs 1 thru 5. The Government intends to use the Two-Step Bid process in this acquisition. Step One consists of the request for, submission, evaluation and (if necessary) discussion of a Technical Proposal. No price is involved in Step one. Step Two consists of an Invitation for Bids except that invitations for bids shall be issued only to Offerors of acceptable Technical Proposals in Step one. Under this process, award will be made to the low responsive responsible bidder. Technical Proposals hereby solicited shall contain the performance of all the following:

The New York District U.S. Army Corps of Engineers proposes to perform maintenance dredging in the **Flushing Bay and Creek**, Federal Navigation Channel, with the disposal of the dredged material at a suitable upland placement site(s).

1. The proposed maintenance dredging of the **Flushing Bay and Creek** will require the removal and placement of material to be dredged from the 15 ft deep (MLW) portion of the Flushing Bay and Creek channels with a one (1) foot vertically applied allowable overdepth.

2. Schedule for accomplishment:

The expected contract duration is 70 days including options, if exercised. The basic contract for 45,000 CY of material dredged from the creek channel will require completion of work not later than 22 calendar days after the date of receipt by the contractor of the notice to proceed. There will be 24 options to the contract, each for an additional 7,500 CY, first from the creek, then from the bay channel, each extending the time for contract completion by 2 days. **The work is anticipated to be performed within the approximate time period of July 2002 to September 2002.**

3. The work consists of furnishing all plant, labor, materials and equipment, sampling/testing and performing all dredging, transportation, processing, preparation of any specified upland disposal sites, and placement of the dredged material at an approved/permited upland disposal site.

4. Disposal shall be in a fully permitted facility that has been permitted by the host state to accept material as dredged under Work of this Contract, with beneficial reuse wherever possible.

5. Dredging, dewatering and/or other processing (if any), transfer, transportation and material disposal shall be performed in accordance with applicable law and requirements of all associated permits and approvals and government authorities having jurisdiction.

a. Permits for dredging in the Federal Channel will be provided by the Government.

b. The successful Offeror shall apply for and obtain all required permits for dewatering and/or other processing (if any), the transfer, transportation and final disposal of all dredged materials, and shall submit evidence of such permits and approvals to the Government.

**Flushing Bay and Creek is located on the northern shore of**

Queens County, New York, immediately east of LaGuardia Airport.

Based upon an analysis of sediment samples from the bay portion and anchorage basin of the Federal channel in August 2000 and February 2001, the grain size characteristics of the proposed dredged material are:

0.00% GRAVEL, 6.0% SAND, 66.5% SILT, 27.6% CLAY

Bidders are expected to examine the site of the work, including the placement areas and decide for themselves the conditions affecting their operations prior to submitting their bids.

The Government will not be liable for any costs incurred by an Offeror in connection with preparation or submission of a Technical Proposal.

## **II. TECHNICAL PROPOSAL ASSUMPTIONS**

For the performance of the work of the contract resulting from this solicitation, the successful Offeror will obtain samples of material to be dredged and arrange for independent laboratory analysis, at no additional cost to the Government, because the successful Offeror will be required to obtain permits and certifications associated with the work of this project as required by this solicitation and the contract.

## **III. AVAILABLE DOCUMENTS**

The following information may be obtained from the contact indicated in VI. below, or may be posted at <http://nanebs.nan.usace.army.mil/ebs/asp/advertisedsolicitations.asp> where prospective bidders should check on its availability.

- (1) Condition Survey of project area
- (2) Map of project area

These documents were not prepared for the purpose of providing information for Offerors upon the present solicitation but were prepared for other purposes. This information will not form part of any contract resulting from this solicitation. The Government makes no representation or guarantee as to and shall not be responsible for their accuracy, completeness or pertinence, and, in addition, shall not be responsible for the conclusions to be drawn there from. They are made available to the Offerors merely for the purpose of providing them with such information as is in the possession of the Government, whether or not such information may be accurate, complete or pertinent of any value to the Offerors.

### **POINT OF CONTACT:**

Mr. Richard J. Leonard, Project Manager  
Department of the Army,  
New York District, Corps of Engineers;  
26 Federal Plaza, Room 1937  
New York, NY 10278-0090  
or by FAX at (212) 264-4260.

## **IV. INFORMATION FOR OFFERORS**

Questions concerning this solicitation should be submitted in writing not less than 30 calendar days prior to the date of



receipt of Technical Proposals to:

Ms. Jacqueline Daly  
Department of the Army,  
New York District, Corps of Engineers;  
26 Federal Plaza, Room 1843  
New York, NY 10278-0090  
or by FAX at (212) 264-3013.

All questions must be submitted in writing, ***no phone calls will be accepted.***

#### V. REQUIRED SUBMITTALS

Offerors are required to submit one original and 6 (six) copies of their Technical Proposal conspicuously endorsed with the Offeror's name, address and telephone number, and marked "Technical Proposal for **DACW51-02-B-0001**". The proposal shall be submitted in sufficient time so that it is received on or before **May 06, 2002**. In order to assure that information will be directed to the proper office and opened at the appropriate time, the sealed envelope shall be properly notated and marked as "RFP; **DACW51-02-B-0001**".

Technical Proposals to be addressed to:

U.S. ARMY CORPS OF ENGINEERS, NEW YORK  
26 FEDERAL PLAZA ROOM 1843  
CENAN-CT  
NEW YORK, NY 10278-0090

Attention: Ms. Jacquelin Daly

In order to expedite the proposal's evaluation, your written Technical Proposal must follow the format and numbering as set forth herein. Technical Proposals, including synopsis, shall not exceed 125 single-spaced, single-sided pages. The page limit does not apply to and will not count the copies of permits provided in accordance with section V.6.(A)(2) below. Proposals must be submitted in a three ring binder format, tabbed to the information requested. Technical Proposals that fail to adhere to this format may be excluded from consideration. The Government will review the Offeror's Technical Proposal and may accept such Technical Proposal as submitted, or request corrections, deletions or additions to be made thereon.

The Government will also review the names of persons submitted by the Offeror as subcontractors for the proposal. For work not to be performed by the Prime Contractor, the Offeror shall submit the name and qualifications of each such entity.

The Technical Proposal will be used by the Government to determine the Offeror's ability, experience and capacity to supervise, direct, manage, and perform the work of the forthcoming Contract in Step Two. The approved Technical Proposal submitted by the Offeror will become part of the Contract. Upon acceptance of the Technical Proposal, its Offeror becomes eligible to participate in Step Two. Step Two, Invitation for Bids, will be issued to Prospective Bidders to prepare their bids for sealed bidding in Step Two. Only bids based upon Technical Proposals determined to be acceptable, either initially or as result of discussions, will be considered for award and each bid in

Step Two must be based on the bidder's own Technical Proposal. Date of the Sealed Bidding in Step Two will be determined by the end or during the course of the evaluation of the Technical Proposals.

Notwithstanding the review and approval described in the preceding paragraphs, the entity whose Technical Proposal is accepted by the Government shall supervise and direct the work and be solely responsible for the means, methods, techniques and procedures to perform the work of this contract.

***All submittals must be assembled in three ring binders with tabs 1 to 8 with headings keyed to the required information below. All information in items 2 through 6 must support the contractor proposed methodology in item 1.***

The Offeror shall submit the following:

### **1. Synopsis of Proposed Operations**

The Offeror must provide a no more than five-page, single-sided, synopsis detailing the operation to move a cubic yard of dredged material from the dredge site to its final resting place in the Offeror provided disposal area. The synopsis will provide suitable detail to adequately track the material from dredging, through transportation and processing to ultimate placement. The synopsis should also:

- (A) Provide a list of the names and locations for each disposal facility including site capacity.
- (B) Provide a detailed map indicating locations of each cell or area within the proposed property to be utilized, for each disposal location, with a description of the material handling process at each disposal location.
- (C) Provide a description of any lechate collection system, liners and monitoring wells, at each such disposal location.
- (D) Provide a detailed description of the dredging procedure proposed.
- (E) Submit a detailed description of the loading and transportation procedures to be utilized.

### **2. Availability of Disposal Site**

The Offeror must:

- (A) Provide proof of the proposed Disposal Site being licensed for acceptance of dredged material by all appropriate regulatory entities.
- (B)
  - Provide proof of Disposal Site Owner's approval granting Offeror the right of dredged material disposal at that site.
  - Provide proof of uncommitted Disposal Site capacity adequate for the project.
  - Certify Disposal Site's availability corresponding to the current project schedule.
- (C) Provide proof of approval by the appropriate regulatory agencies of the dredged material for this contract for compatibility with the proposed Disposal Site, with their concurrence for material placement there.
- (D) Demonstrate minimum required Disposal Site production capability of 4,000 CY/day (labor, materials, plant, equipment, and evidence of availability).
- (E) Provide proof of Offeror's experience in the proposed Disposal Site operations. Or, provide supplemental information demonstrating ability to execute the proposed disposal method, if no direct experience is applicable.
- (F) Demonstrate Disposal Site's production capability of more than 4,000 CY/day, if required by the technological process presented by the Offeror.

### **3. Dredging Capabilities**

The Offeror must:

- (A)
  - Provide proof of dredging plant availability for use by the Offeror.
  - Certify dredging plant's availability corresponding to the current project schedule.
  - Provide proof of proposed dredging plant's current permits, licenses, registrations, or other required certifications.
- (B) Demonstrate minimum required 4,000 CY/day production capability by the proposed dredging plant (labor, materials, plant, equipment, and evidence of availability).
- (C) Provide proof of Offeror's experience in the proposed dredging method. Or, provide supplemental information demonstrating ability to execute the proposed dredging method, if no direct experience is applicable.
- (D) Demonstrate dredging capability of more than 4,000 CY/day, if required by the technological process presented by the Offeror.

### **4. Transportation Capabilities**

The Offeror must:

- (A)
  - Provide proof of sufficient transportation capabilities during this project's execution.
  - Certify transportation's availability corresponding to the current project schedule.
  - Provide proof of proposed transportation equipment's current permits, licenses, registrations, or other required certifications.
- (B) Demonstrate dredged material transportation capability of minimum required 4,000 CY/day available to the Offeror (labor, materials, plant, equipment, and evidence of availability).
- (C) Provide proof of Offeror's experience in the proposed dredged material transportation. Or, provide supplemental information demonstrating ability to execute the proposed transportation method, if no direct experience is applicable.
- (D) Demonstrate transportation capability of more than 4,000 CY/day, if required by the technological process presented by the Offeror.

### **5. Processing Capabilities**

The Offeror must:

- (A) Provide detailed description of the proposed technological processing, including but not limited to, the following stages, if applicable:
  - Dewatering, addressing retention time, any limitations on return of effluent, limitations on location for effluent release, proposed method for effluent disposal, if applicable.
  - Debris removal, addressing the methods of removal and disposal.
  - Material treatment, specifying the method of treatment, additives used during the processing, mechanical processing used, decontamination methods incorporated, stabilization methods incorporated, and chemical treatment (if any).
  - Interim storage, if required, identifying the method of storage, required and available storage capacity, and the timeframe it will be used, if applicable.
  - Rehandling of material (if any) used in dredged material processing affecting the project.
- (B)
  - Provide any permits and/or licenses applicable to the proposed process, if any.
  - Provide any patented or proprietary permissions applicable to the proposed process, if any.
  - Provide proof of processing plant availability for use by the Offeror.
  - Certify processing plant's availability corresponding to the current project schedule.
- (C) Demonstrate minimum required 4,000 CY/day production capability using the proposed technological process (labor, materials, plant, equipment, and evidence of availability).
- (D) Provide proof of Offeror's experience in the proposed processing method. Or, provide supplemental information demonstrating ability to execute the proposed processing method, if no direct experience is applicable.
- (E) Demonstrate more than 4,000 CY/day processing production capability, if required by the technological process presented by the Offeror.

## 6. Additional Guidance on Submittals

### (A) Permits

The dredged material will be transported by Offeror-identified means, to a suitable upland placement site(s) furnished by the Offeror. The dredged material will be required to meet all federal, state and local criteria required for the site selected. All necessary permits required for the dredged material placement will be provided by the Offeror at the time proposals are submitted. Any sampling and testing required for obtaining permits required for dredged material placement will be provided by the Offeror.

Permits or regulatory approvals that will be provided by the Offeror at the time proposals are submitted include placement site permits as applicable and others as related to transportation, processing and placement of the dredged material, or any other aspects of the Offeror's proposed disposition of the dredged material including any and all permits, authorizations, contracts, agreements, licenses, rights-of entry, or documentation of compliance with any other legal or regulatory requirement.

The above may include, but are not limited to legal or regulatory requirements related to:

- Interim storage, if applicable
- Dewatering and other treatment or processing
- Zoning compliance
- Waterfront development
- Water quality certification
- Coastal zone management
- Tideland management
- Wetland management

These approvals include, but are not limited to: Water Quality Certificates (WQC) in accordance with Section 401 of the Clean Water Act, Coastal Zone Management (CZM) consistency determinations, and state agreement pursuant to Section 307 of the Coastal Zone Management Act of 1972 as amended, for activities conducted in a state which has a federally approved Coastal Zone Management program. WQC and CZM permits related to the dredging (as opposed to dredged material transport and disposal) will be provided by the New York District U.S. Army Corps of Engineers.

**The Offeror must provide:**

- (1) A detailed list of all permits and interim guideline approvals required by any governmental body or regulatory agency to perform the work as described by the Offeror. The submission must include a description and the permits the Offeror already possesses, and permits or interim guideline approvals to be applied for and yet to be obtained.
- (2) Copies of all permits or interim guideline approvals that the Offeror already possesses. [These permits and approvals must support, and be cross-referenced to the requirements stated in 2 (A), (B), and (C), 3 (A), 4 (A), and 5 (B), above.]
- (3) A bar chart indicating time(s) required for obtaining all permits required to be provided by the Offeror for each item of work as described by the Offeror.

(B) Production Capability

Offeror must provide evidence of the production capability and throughput rates for their proposed integrated system of dredging, transportation, processing, and placement. The Offeror must provide:

- (1) Evidence of an at least 4,000 CY/day production capability and throughput rates for their proposed integrated system of dredging, transportation, processing, and placement. [This must support, and be cross-referenced to the requirements stated in 2 (D), 3 (B), 4 (B), and 5 (C), above.]
- (2) Demonstrate production capability of more than 4,000 CY/day, for any element of the integrated system of dredging, transportation, processing, and placement, if required by the technological process presented by the Offeror. . [This must support, and be cross-referenced to the requirements stated in 2 (F), 3 (D), 4 (D), and 5 (E), above.]
- (3) State capacity of each element of the system:
  - a) Dredging: CY/day
  - b) Transportation: CY/day
  - c) Processing: CY/day
  - d) Placement: CY/day; and Total Available and Uncommitted Site Capacity. The available capacity of the dredged material disposal site at this time for this project and daily dredged material processing throughout, in cubic yards, must be specified in writing by the site owner or operator.  
[These must support, and be cross-referenced to the requirements stated in 2 (D&F), 3 (B&D), 4 (B&D), and 5 (C&E), above.]
- (4) Timeframe for availability for each element of the system: hours of operation in each day; days of operation in each week; months of operation in each year. [This must support, and be cross-referenced to the requirements stated in 2 (B), 3 (A), 4 (A), and 5 (B), above.]

- (5) Location of each element of the system: Descriptions with reference maps; Distances between the elements, measured in miles.
- (6) A practicable schedule showing the order in which the Offeror proposes to perform the work and the dates on which the Offeror contemplates starting and completing the several salient features of the work (including acquiring materials, plant and equipment). The schedule has to reflect the required Production Capability of at least 4,000 CY/day for their proposed integrated system of dredging, transportation, processing, and placement. The schedule shall be in the form of a progress chart of suitable scale to indicate approximately the percentage of work scheduled for completion by any given date during the period.

(C) Compliance History

The Offeror must submit detailed information demonstrating the Offeror's and any subcontractor's history of compliance regarding Federal, state or municipal agencies having safety, health or environmental responsibilities regarding the type, number and severity of violations.

Submittals shall conform to the following:

During the three (3) years preceding the date of submission of the proposed documents, the Offeror and/or sub-Offerors must not have received citations for violations that exhibit a pattern of non-compliance with safety, health or environmental regulations.

(D) Patent and Other Proprietary Rights

The contractor must indicate all patents, copyrights, trademarks, trade secrets, or other proprietary rights involved in the contract and how the Offeror will meet the contract requirements relating to proprietary rights. [This must support, and be cross-referenced to the requirements stated in 5 (B), above.]

## 7. Past Performance and Past Experience

Offeror must provide information on Past Performance and Past Experience for all past and ongoing projects within the last five years, with a minimum of one project, related to navigation channel maintenance involving dredging, and transportation, processing/treatment and placement of the dredged material.

For each project, the Offeror shall submit the information in the following format:

LOCATION:

TYPE OF PROJECT:

CONTRACT AWARD AMOUNT:

COST GROWTH:  
 CLIENT/AGENCY:  
 CLIENT P.O.C. & PHONE NO.:  
 DATE OF SCHEDULED COMPLETION:  
 ACTUAL COMPLETION DATE:

The Offeror must provide the location, dollar value and client/agency for any contracts terminated for default or convenience. Offeror is to provide an explanation of the basis for the termination.

## **8. Management of Small Business Subcontracting and Management of Subcontractors**

All Offerors (Large and Small Businesses) must discuss their subcontracting efforts for this project in order to determine the Offeror's effective management of and coordination with subcontractors. The discussion shall identify what areas of work the Offeror plans to subcontract out and what companies the Offeror plans to use to accomplish the work.

Include the extent and rationale for in-house/subcontract work distribution, subcontracting support capability; criteria for subcontractor selection; plan for coordinating, scheduling, and ensuring timeliness of work execution and completion of multiple projects with multiple subcontractors. Areas of consideration to be discussed include:

- (a) Explain how the subcontracted effort will be integrated into the total contract effort. What means of communication will there be between contractor and subcontractors? How will multiple projects affect plans?
- (b) Delineate controls management will have on timeliness and quality of subcontracted efforts.
- (c) Provide information to indicate how the subcontractor(s) are selected, will be utilized and how their experience contributes to the project.

## **VI. EVALUATION PROCEDURE**

### **EVALUATION FACTORS:**

Evaluation factors, subfactors and sub-sub factors, listed herein, represent our key areas of emphasis. The Source Selection Authority (SSA) using sound business judgment, will base the source selection on the following evaluation factors. The factors will include past performance and experience of subcontractors:

Evaluation Subfactors: The major **technical factors and subfactors** of consideration for the evaluation of proposals received in response to the subject solicitation are as follows. Evaluation factors are of equal importance.

### **A. TECHNICAL CAPABILITY**

#### **SUBFACTORS:**

#### **1. Availability of Disposal Site**



**SUB-SUB FACTORS**

<b>A</b>	Provide proof of the proposed Disposal Site being licensed for acceptance of dredged material by all appropriate regulatory entities.
<b>B</b>	<ul style="list-style-type: none"> <li>• Provide proof of Disposal Site Owner's approval granting Offeror the right of dredged material disposal at that site.</li> <li>• Provide proof of uncommitted Disposal Site capacity adequate for the project.</li> <li>• Certify Disposal Site's availability corresponding to the current project schedule.</li> </ul>
<b>C</b>	Provide proof of approval by the appropriate regulatory agencies of the dredged material for this contract for compatibility with the proposed Disposal Site, with their concurrence for material placement there.
<b>D</b>	Demonstrate minimum required Disposal Site production capability of 4,000 CY/day (labor, materials, plant, equipment, and evidence of availability).
<b>E</b>	Provide proof of Offeror's experience in the proposed Disposal Site operations. Or, provide supplemental information demonstrating ability to execute the proposed disposal method, if no direct experience is applicable.
<b>F</b>	Demonstrate Disposal Site's production capability of more than 4,000 CY/day, if required by the technological process presented by the Offeror.

**2. Dredging Capabilities****SUB-SUB FACTORS**

<b>A</b>	<ul style="list-style-type: none"> <li>• Provide proof of dredging plant availability for use by the Offeror.</li> <li>• Certify dredging plant's availability corresponding to the current project schedule.</li> <li>• Provide proof of proposed dredging plant's current permits, licenses, registrations, or other required certifications.</li> </ul>
<b>B</b>	Demonstrate minimum required 4,000 CY/day production capability by the proposed dredging plant (labor, materials, plant, equipment, and evidence of availability).
<b>C</b>	Provide proof of Offeror's experience in the proposed dredging method. Or, provide supplemental information demonstrating ability to execute the proposed dredging method, if no direct experience is applicable.
<b>D</b>	Demonstrate dredging capability of more than 4,000 CY/day, if required by the technological process presented by the Offeror.

**3. Transportation Capabilities****SUB-SUB FACTORS**

<b>A</b>	<ul style="list-style-type: none"> <li>• Provide proof of sufficient transportation capabilities during this project's execution.</li> <li>• Certify transportation's availability corresponding to the current project schedule.</li> <li>• Provide proof of proposed transportation equipment's current permits, licenses, registrations, or other required certifications.</li> </ul>
<b>B</b>	Demonstrate dredged material transportation capability of minimum required 4,000 CY/day available to the Offeror (labor, materials, plant, equipment, and evidence of availability).
<b>C</b>	Provide proof of Offeror's experience in the proposed dredged material transportation. Or, provide supplemental information demonstrating ability to execute the proposed transportation method, if no direct experience is applicable.
<b>D</b>	Demonstrate transportation capability of more than 4,000 CY/day, if required by the technological

	process presented by the Offeror.
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#### 4. Processing Capabilities

##### SUB-SUB FACTORS

<b>A</b>	<p>Provide detailed description of the proposed technological processing, including but not limited to, the following stages, if applicable:</p> <ul style="list-style-type: none"> <li>• Dewatering, addressing retention time, any limitations on return of effluent, limitations on location for effluent release, proposed method for effluent disposal, if applicable.</li> <li>• Debris removal, addressing the methods of removal and disposal.</li> <li>• Material treatment, specifying the method of treatment, additives used during the processing, mechanical processing used, decontamination methods incorporated, stabilization methods incorporated, and chemical treatment (if any).</li> <li>• Interim storage, if required, identifying the method of storage, required and available storage capacity, and the timeframe it will be used, if applicable.</li> <li>• Rehandling of material (if any) used in dredged material processing affecting the project.</li> </ul>
<b>B</b>	<ul style="list-style-type: none"> <li>• Provide any permits and/or licenses applicable to the proposed process, if any.</li> <li>• Provide any patented or proprietary permissions applicable to the proposed process, if any.</li> <li>• Provide proof of processing plant availability for use by the Offeror.</li> <li>• Certify processing plant's availability corresponding to the current project schedule.</li> </ul>
<b>C</b>	Demonstrate minimum required 4,000 CY/day production capability using the proposed technological process (labor, materials, plant, equipment, and evidence of availability).
<b>D</b>	Provide proof of Offeror's experience in the proposed processing method. Or, provide supplemental information demonstrating ability to execute the proposed processing method, if no direct experience is applicable.

#### B. Past Performance

Offeror and proposed subcontractors must provide information on Past Performance for all past and ongoing projects within the last five years, with a minimum of one project, related to navigation channel maintenance involving dredging, and transportation, processing/treatment and placement of the dredged material.

For each project, the Offeror shall submit the information in the following format:

LOCATION:

TYPE OF PROJECT:

CONTRACT AWARD AMOUNT:

COST GROWTH:

CLIENT/AGENCY:

CLIENT P.O.C. & PHONE NO.:

DATE OF SCHEDULED COMPLETION:

ACTUAL COMPLETION DATE:

The Offeror must provide the location, dollar value and client/agency for any contracts terminated for default or convenience. Offeror is to provide an explanation of the basis for the termination. Additionally, the offeror will provide SF 294s and SF 295s for each project submitted under this factor.

Offerors have an opportunity to identify past or current contracts (including Federal, State, and local government and private) for efforts similar to the Government requirement. Offerors may provide information on problems encountered on the identified contracts and the Offeror's corrective actions. The Government shall consider this information, as well as information obtained from any other sources, when evaluating the offeror past performance. The source selection authority shall determine the relevance of similar past performance information.

The evaluation will take into account past performance information regarding predecessor companies, key personnel who have relevant experience, or subcontractors that will perform major or critical aspects of the requirement when such information is relevant to the instant acquisition.

In the case of an offeror without a record of relevant past performance or for whom information on past performance is not available, the offeror may not be evaluated favorably or unfavorably on past performance.

The evaluation will include the past performance of Offerors in complying with subcontracting plan goals for small disadvantaged business (SDB) concerns, monetary targets for SDB participation, and notifications submitted under [19.1202-4\(b\)](#).

No detailed standards apply to every subcontracting plan. Instead, the review team must consider each Offeror's Past Performance in terms of the circumstances of the particular acquisition, including –

- (1) Previous involvement of small business concerns as prime contractors or subcontractors in similar acquisitions;
- (2) Proven methods of involving small business concerns as subcontractors in similar acquisitions; and
- (3) The relative success of methods the contractor intends to use to meet the goals and requirements of the plan, as evidenced by records maintained by contractors.

### **C. Past Experience**

Offeror and proposed subcontractors must provide information on Past Experience for all past and ongoing projects within the last five years, with a minimum of one project, related to navigation channel maintenance involving dredging, and transportation, processing/treatment and placement of the dredged material.

For each project, the Offeror shall submit the information in the following format:

LOCATION:

TYPE OF PROJECT:

CONTRACT AWARD AMOUNT:

COST GROWTH:

CLIENT/AGENCY:

CLIENT P.O.C. & PHONE NO.:

DATE OF SCHEDULED COMPLETION:

ACTUAL COMPLETION DATE:

The Offeror must provide the location, dollar value and client/agency for any contracts terminated for default or convenience. Offeror is to provide an explanation of the basis for the termination.

### **D. Small Business Management/Subcontracting Potential**

All Offerors (Large and Small Businesses) must discuss their subcontracting efforts for this project in order to determine the Offeror's effective management of and coordination with subcontractors. The discussion shall identify what areas of work the Offeror plans to subcontract out and what companies the Offeror plans to use to accomplish the work.

Include the extent and rationale for in-house/subcontract work distribution, subcontracting support capability; criteria for subcontractor selection; plan for coordinating, scheduling, and ensuring timeliness of work execution and completion of multiple projects with multiple subcontractors. Areas of consideration to be discussed include:

- (a) Explain how the subcontracted effort will be integrated into the total contract effort. What means of communication will there be between contractor and subcontractors? How will multiple projects affect plans?
- (b) Delineate controls management will have on timeliness and quality of subcontracted efforts.
- (c) Provide information to indicate how the subcontractor(s) are selected, will be utilized and how their experience contributes to the project.

In accordance with FAR 19.1202 the extent of participation of SDB concerns in performance of the contract, in the NAICS Industry Subsector as determined by the Department of Commerce, and to the extent authorized by law, shall be evaluated. Participation in performance of the contract includes joint ventures, teaming arrangements, and subcontracts. Credit under the evaluation factor or subfactor is not available to SDB concerns that receive a price evaluation adjustment under Subpart 19.11. If an SDB concern waives the price evaluation adjustment at

Subpart 19.11, participation in performance of that contract includes the work expected to be performed by the SDB concern at the prime contract level.

The following will be considered:

- (a) The extent to which SDB concerns are specifically identified;
- (b) The extent of commitment to use SDB concerns (for example, enforceable commitments are to be weighted more heavily than non-enforceable ones);
- (c) The complexity and variety of the work SDB concerns are to perform;
- (d) The realism of the proposal;
- (e) Past performance of Offerors in complying with subcontracting plan goals for SDB concerns and monetary targets for SDB participation; and
- (f) The extent of participation of SDB concerns in terms of the value of the total acquisition.

#### **Information to be reviewed must include -**

(1) Separate percentage goals for using small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns as subcontractors. Service-disabled veteran-owned small business concerns meet the definition of veteran-owned small business concerns, and offerors may include them within the subcontracting plan goal for veteran-owned small business concerns. A separate goal for service-disabled veteran-owned small business concerns is not required;

(2) A statement of the total dollars planned to be subcontracted and a statement of the total dollars planned to be subcontracted to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns;

(3) A description of the principal types of supplies and services to be subcontracted and an identification of types planned for subcontracting to small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns;

(4) A description of the method used to develop the subcontracting goals;

(5) A description of the method used to identify potential sources for solicitation purposes;

(6) A statement as to whether or not the offeror included indirect costs in establishing subcontracting goals, and a description of the method used to determine the proportionate share of indirect costs to be incurred with small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns;

(7) The name of an individual employed by the offeror who will administer the offeror's subcontracting program, and a description of the duties of the individual;

(8) A description of the efforts the offeror will make to ensure that small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns have an equitable opportunity to compete for subcontracts;

(9) Assurances that the offeror will include the clause at [52.219-8](#), Utilization of Small Business Concerns (see [19.708\(a\)](#)), in all subcontracts that offer further subcontracting opportunities, and that the offeror will require all subcontractors (except small business concerns) that receive subcontracts in excess of \$500,000 (\$1,000,000 for construction) to adopt a plan that complies with the requirements of the clause at [52.219-9](#), Small Business Subcontracting Plan (see [19.708\(b\)](#));

(10) Assurances that the offeror will –

(i) Cooperate in any studies or surveys as may be required;

(ii) Submit periodic reports so that the Government can determine the extent of compliance by the offeror with the subcontracting plan;

(iii) Submit Standard Form (SF) 294, Subcontracting Report for Individual Contracts, and SF 295, Summary Subcontract Report, following the instructions on the forms or as provided in agency regulations; and

(iv) Ensure that its subcontractors agree to submit SF 294 and SF 295; and

(11) A description of the types of records that will be maintained concerning procedures adopted to comply with the requirements and goals in the plan, including establishing source lists; and a description of the offeror's efforts to locate small business, veteran-owned small business, HUBZone small business, small disadvantaged business, and women-owned small business concerns and to award subcontracts to them.

Offerors will be required to provide, with their offers, targets, expressed as dollars and percentages of total contract value, in each of the applicable, authorized NAICS Industry Subsector, and a total target for SDB participation by the contractor, including joint venture partners, and team members, and a total target for SDB participation by subcontractors. An SDB Offeror that waives the SDB price evaluation adjustment in the clause at [52.219-23](#), Notice of Price Evaluation Adjustment for Small Disadvantaged Business Concerns, must provide with its offer a target for the work that it intends to perform as the prime contractor. Any targets will be incorporated into and become part of any resulting contract. Contractors with SDB participation targets shall be required to report SDB participation.

The SDB concerns considered in the evaluation shall be listed in the contract, and the contractor shall be required to notify the contracting officer of any substitutions of firms that are not SDB concerns.

## VII. PRICE

Price will not be evaluated in step one, but will be in step two. Step two will be done using sealed bidding procedures and shall be limited to Offeror's who submit acceptable technical proposals in step one. **Any proposal with price submitted as part of the technical proposal in the step one process shall be considered non-responsive.**

## VIII. OVERALL ASSIGNMENT OF TECHNICAL RATINGS

A. A **Color Coded System** will be used to deem the Offeror Technically Acceptable (Green), Technically Unacceptable (Red) or Susceptible to be Made Technically Acceptable (Yellow).

**Technically Acceptable (Green): DEFINITION: Offeror's proposal meets solicitation requirements.** To receive an overall technically acceptable rating, an Offeror's proposal must receive a technically acceptable rating for each of the **four** major Evaluation Factors including all subfactors.

**Technically Unacceptable (Red): DEFINITION: Offeror's proposal does not meet the solicitation requirements.** A red RATING in any of the **four** major evaluation areas will result in an overall RED. A RED rating shows that proposal contains serious problem(s), thereby showing a lack of understanding of the project.

**Susceptible to be Made Technically Acceptable (SMTA) (YELLOW): DEFINITION: Offeror's proposal meets some, but not all of the solicitation requirements but irregularities are minor and are susceptible to correction.** To receive a SMTA rating, a factor will be rated yellow for one or more of the **four** major evaluation factors.

**B. Evaluation Factors** will be rated as follows in consideration of the rating given to Sub Factors:

Technically Acceptable (Green): To receive a technically acceptable rating a Factor must receive a technically acceptable rating for each of the Sub-Factors which support it.

Technically Unacceptable (Red): To receive a technically unacceptable rating a Factor must receive a technically unacceptable rating for one or more of the Sub-Factors which support it.

Susceptible to be Made Technically Acceptable (SMTA) (Yellow): To receive an SMTA rating (Yellow) a Factor will be rated yellow in one or more of the Sub-Factors which support it.

**C. Sub-Factors** will be rated as follows in consideration of the rating given to Sub-Sub Factors:

Technically Acceptable (Green): To receive a technically acceptable rating a Sub-Factor must receive a technically acceptable rating for each of the Sub-Sub-Factors which support it.

Technically Unacceptable (Red): To receive a technically unacceptable rating a Sub-Factor must receive a technically unacceptable rating for more than one of the Sub-Sub-Factors which support it.

Susceptible to be Made Technically Acceptable (SMTA) (Yellow): To receive an SMTA rating (Yellow) a Sub-Factor will be rated yellow in one or more of the Sub-Sub-Factors, and/or will be rated red in one or fewer of the Sub-Sub-Factors which support it.

**D. Sub-Sub Factors** will be rated in accordance with the following criteria, unless otherwise stated:

**Green:** The Offeror meets RFP standards.

**Yellow:** The Offeror does not meet all RFP standards; however, any weakness is correctable and may be expected to completely satisfy the requirement after communications or discussions.

**Red:** The Offeror has not met the requirements of the RFP and the deficiency is not correctable without a major revision of the proposal.

In order to proceed to Step II, the offeror must have an overall rating of green at the conclusion of Step I.

## **IX. PRE-PROPOSAL CONFERENCE**

A Pre-Proposal conference in connection with this RFP will be held on March 13, 2002 at 10:00 A.M., 26 Federal Plaza, Room 1843, New York, New York. Technical and administrative personnel will attend to discuss the requirements and answer questions. In order to expedite the discussions, prospective Offerors are required to SUBMIT WRITTEN QUESTIONS, specifying the section and paragraph of the IFB for which clarification is desired. Questions should be submitted to the address listed in paragraph V. Questions which cannot be submitted in time to reach the Contracting Officer on or before the conference date may be submitted in writing at the conference and will be addressed, if possible, at that time. All questions must be submitted in writing. Pre-proposal conference questions and answers will be provided to all prospective Offerors as an informational item.

### **52.216-1 TYPE OF CONTRACT (APR 1984)**

The Government contemplates award of a firm-fixed price contract resulting from this solicitation.

(End of clause)

### **52.233-2 SERVICE OF PROTEST (AUG 1996)**

(a) Protests, as defined in section 33.101 of the Federal Acquisition Regulation, that are filed directly with an agency, and copies of any protests that are filed with the General Accounting Office (GAO), shall be served on the Contracting Officer, Department of the Army, Corps of Engineers, New York District Contracting Division, 26 Federal Plaza, New York, NY 10278-0090 by obtaining written and dated acknowledgment of receipt from Department of the Army, Corps of Engineers, New York District Contracting Division, 26 Federal Plaza, New York, NY 10278-0090.

(b) The copy of any protest shall be received in the office designated above within one day of filing a protest with the GAO.

(End of provision)

### **52.236-27 SITE VISIT (CONSTRUCTION) (FEB 1995)**

(a) The clauses at 52.236-2, Differing Site Conditions, and 52.236-3, Site Investigations and Conditions Affecting the Work, will be included in any contract awarded as a result of this solicitation. Accordingly, offerors or quotes are urged and expected to inspect the site where the work will be performed.

(b) Site visits may be arranged during normal duty hours by contacting:

Name: Patricia Donohue

Address: Operation Division, New York District, Corps of Engineers, 26 Federal Plaza, New York, NY 10278

Telephone: 212-264-9032

### **52.252-1 SOLICITATION PROVISIONS INCORPORATED BY REFERENCE (FEB 1998)**

This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of solicitation provision may be accessed electronically and this/these address(es):

<http://www.arnet.gov.far>

<http://www.farsite.mil.af.mil>

<http://www.dtic.mil/dfars>

#### 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (APR 1984)

- (a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the provision.
- (b) The use in this solicitation of any \_\_\_\_\_ (48 CFR Chapter \_\_\_\_\_) provision with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

#### SECTION 00600 Representations & Certifications

#### CLAUSES INCORPORATED BY REFERENCE:

52.203-11	Certification And Disclosure Regarding Payments To Influence Certain Federal Transactions	APR 1991
252.209-7001	Disclosure of Ownership or Control by the Government of a Terrorist Country	MAR 1998

#### CLAUSES INCORPORATED BY FULL TEXT

#### 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)

- (a) The offeror certifies that --
  - (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to --
    - (i) Those prices,
    - (ii) The intention to submit an offer, or
    - (iii) The methods or factors used to calculate the prices offered:
  - (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and



This solicitation incorporates one or more solicitation provisions by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. The offeror is cautioned that the listed provisions may include blocks that must be completed by the offeror and submitted with its quotation or offer. In lieu of submitting the full text of those provisions, the offeror may identify the provision by paragraph identifier and provide the appropriate information with its quotation or offer. Also, the full text of solicitation provision may be accessed electronically and this/these address(es):

<http://www.arnet.gov.far>  
<http://www.farsite.mil.af.mil>  
<http://www.dtic.mil/dfars>

#### 52.252-5 AUTHORIZED DEVIATIONS IN PROVISIONS (APR 1984)

- (a) The use in this solicitation of any Federal Acquisition Regulation (48 CFR Chapter 1) provision with an authorized deviation is indicated by the addition of “(DEVIATION)” after the date of the provision.
- (b) The use in this solicitation of any \_\_\_\_\_(48 CFR Chapter\_\_\_\_\_) provision with an authorized deviation is indicated by the addition of “(DEVIATION)” after the name of the regulation.

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#### 52.203-2 CERTIFICATE OF INDEPENDENT PRICE DETERMINATION (APR 1985)

- (a) The offeror certifies that --
  - (1) The prices in this offer have been arrived at independently, without, for the purpose of restricting competition, any consultation, communication, or agreement with any other offeror or competitor relating to –
    - (i) Those prices,
    - (ii) The intention to submit an offer, or
    - (iii) The methods of factors used to calculate the prices offered:
  - (2) The prices in this offer have not been and will not be knowingly disclosed by the offeror, directly or indirectly, to any other offeror or competitor before bid opening (in the case of a sealed bid solicitation) or contract award (in the case of a negotiated solicitation) unless otherwise required by law; and

(3) No attempt has been made or will be made by the offeror to induce any other concern to submit or not to submit an offer for the purpose of restricting competition.

(b) Each signature on the offer is considered to be a certification by the signatory that the signatory --

(1) Is the person in the offeror's organization responsible for determining the prices offered in this bid or proposal, and that the signatory has not participated and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision; or

(2) (i) Has been authorized, in writing, to act as agent for the following principals in certifying that those principals have not participated, and will not participate in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision \_\_\_\_\_ (insert full name of person(s) in the offeror's organization responsible for determining the prices offered in this bid or proposal, and the title of his or her position in the offeror's organization);

(ii) As an authorized agent, does certify that the principals named in subdivision (b)(2)(i) above have not participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) above; and

(iii) As an agent, has not personally participated, and will not participate, in any action contrary to subparagraphs (a)(1) through (a)(3) of this provision.

(c) If the offeror deletes or modifies subparagraph (a)(2) of this provision, the offeror must furnish with its offer a signed statement setting forth in detail the circumstances of the disclosure.

(End of provision)

#### 52.204-5 WOMEN-OWNED BUSINESS (OTHER THAN SMALL BUSINESS) (MAY 1999)

(a) Definition. Women-owned business concern, as used in this provision, means a concern that is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of its stock is owned by one or more women; and whose management and daily business operations are controlled by one or more women.

(b) Representation. [Complete only if the offeror is a women-owned business concern and has not represented itself as a small business concern in paragraph (b)(1) of FAR 52.219-1, Small Business Program Representations, of this solicitation.] The offeror represents that it ( ) is a women-owned business concern.

(End of provision)

#### 52.209-5 CERTIFICATION REGARDING DEBARMENT, SUSPENSION, PROPOSED DEBARMENT, AND OTHER RESPONSIBILITY MATTERS (DEC 2001)

(a)(1) The Offeror certifies, to the best of its knowledge and belief, that--

(i) The Offeror and/or any of its Principals--

(A) Are ( ) are not ( ) presently debarred, suspended, proposed for debarment, or declared ineligible for the award of contracts by any Federal agency;

(B) Have ( ) have not ( ), within a three-year period preceding this offer, been convicted of or had a civil judgment rendered against them for: commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, state, or local) contract or subcontract; violation of Federal or state antitrust statutes relating to the submission of offers; or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, tax evasion, or receiving stolen property; and

(C) Are ( ) are not ( ) presently indicted for, or otherwise criminally or civilly charged by a governmental entity with, commission of any of the offenses enumerated in subdivision (a)(1)(i)(B) of this provision.

(ii) The Offeror has ( ) has not ( ), within a three-year period preceding this offer, had one or more contracts terminated for default by any Federal agency.

(2) "Principals," for the purposes of this certification, means officers; directors; owners; partners; and, persons having primary management or supervisory responsibilities within a business entity (e.g., general manager; plant manager; head of a subsidiary, division, or business segment, and similar positions).

THIS CERTIFICATION CONCERNS A MATTER WITHIN THE JURISDICTION OF AN AGENCY OF THE UNITED STATES AND THE MAKING OF A FALSE, FICTITIOUS, OR FRAUDULENT CERTIFICATION MAY RENDER THE MAKER SUBJECT TO PROSECUTION UNDER SECTION 1001, TITLE 18, UNITED STATES CODE.

(b) The Offeror shall provide immediate written notice to the Contracting Officer if, at any time prior to contract award, the Offeror learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

(c) A certification that any of the items in paragraph (a) of this provision exists will not necessarily result in withholding of an award under this solicitation. However, the certification will be considered in connection with a determination of the Offeror's responsibility. Failure of the Offeror to furnish a certification or provide such additional information as requested by the Contracting Officer may render the Offeror nonresponsible.

(d) Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render, in good faith, the certification required by paragraph (a) of this provision. The knowledge and information of an Offeror is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

(e) The certification in paragraph (a) of this provision is a material representation of fact upon which reliance was placed when making award. If it is later determined that the Offeror knowingly rendered an erroneous certification, in addition to other remedies available to the Government, the Contracting Officer may terminate the contract resulting from this solicitation for default.

(End of provision)

#### 52.219-1 SMALL BUSINESS PROGRAM REPRESENTATIONS (MAY 2001)

(a)(1) The North American Industry Classification System (NAICS) code for this acquisition is 234990.

(2) The small business size standard is \$27.5 millions.

(3) The small business size standard for a concern which submits an offer in its own name, other than on a construction or service contract, but which proposes to furnish a product which it did not itself manufacture, is 500 employees.

(b) Representations. (1) The offeror represents as part of its offer that it ( ) is, ( ) is not a small business concern.

(2) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents, for general statistical purposes, that it ( ) is, ( ) is not a small disadvantaged business concern as defined in 13 CFR 124.1002.

(3) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ( ) is, ( ) is not a women-owned small business concern.

(4) (Complete only if the offeror represented itself as a small business concern in paragraph (b)(1) of this provision.) The offeror represents as part of its offer that it ( ) is, ( ) is not a veteran-owned small business concern.

(5) (Complete only if the offeror represented itself as a veteran-owned small business concern in paragraph (b)(4) of this provision.) The offeror represents as part of its offer that it ( ) is, ( ) is not a service-disabled veteran-owned small business concern.

(c) Definitions. As used in this provision--

Service-disabled veteran-owned small business concern--

(1) Means a small business concern--

(i) Not less than 51 percent of which is owned by one or more service-disabled veterans or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more service-disabled veterans; and

(ii) The management and daily business operations of which are controlled by one or more service-disabled veterans or, in the case of a veteran with permanent and severe disability, the spouse or permanent caregiver of such veteran.

(2) Service-disabled veteran means a veteran, as defined in 38 U.S.C. 101(2), with a disability that is service-connected, as defined in 38 U.S.C. 101(16).

"Small business concern," means a concern, including its affiliates, that is independently owned and operated, not dominant in the field of operation in which it is bidding on Government contracts, and qualified as a small business under the criteria in 13 CFR Part 121 and the size standard in paragraph (a) of this provision.

Veteran-owned small business concern means a small business concern--

(1) Not less than 51 percent of which is owned by one or more veterans (as defined at 38 U.S.C. 101(2)) or, in the case of any publicly owned business, not less than 51 percent of the stock of which is owned by one or more veterans; and

(2) The management and daily business operations of which are controlled by one or more veterans.

"Women-owned small business concern," means a small business concern --

(1) That is at least 51 percent owned by one or more women; or in the case of any publicly owned business, at least 51 percent of the stock of which is owned by one or more women; and

(2) Whose management and daily business operations are controlled by one or more women.

(d) Notice.

(1) If this solicitation is for supplies and has been set aside, in whole or in part, for small business concerns, then the clause in this solicitation providing notice of the set-aside contains restrictions on the source of the end items to be furnished.

(2) Under 15 U.S.C. 645(d), any person who misrepresents a firm's status as a small, HUBZone small, small disadvantaged, or women-owned small business concern in order to obtain a contract to be awarded under the preference programs established pursuant to section 8(a), 8(d), 9, or 15 of the Small Business Act or any other provision of Federal law that specifically references section 8(d) for a definition of program eligibility, shall--

(i) Be punished by imposition of fine, imprisonment, or both;

(ii) Be subject to administrative remedies, including suspension and debarment; and

(iii) Be ineligible for participation in programs conducted under the authority of the Act.

(End of provision)

#### 52.219-2 EQUAL LOW BIDS. (OCT 1995)

(a) This provision applies to small business concerns only.

(b) The bidder's status as a labor surplus area (LSA) concern may affect entitlement to award in case of tie bids. If the bidder wishes to be considered for this priority, the bidder must identify, in the following space, the LSA in which the costs to be incurred on account of manufacturing or production (by the bidder or the first-tier subcontractors) amount to more than 50 percent of the contract price.

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(c) Failure to identify the labor surplus area as specified in paragraph (b) of this provision will preclude the bidder from receiving priority consideration. If the bidder is awarded a contract as a result of receiving priority consideration under this provision and would not have otherwise received award, the bidder shall perform the contract or cause the contract to be performed in accordance with the obligations of an LSA concern.

#### 52.219-22 SMALL DISADVANTAGED BUSINESS STATUS (OCT 1999)

(a) General. This provision is used to assess an offeror's small disadvantaged business status for the purpose of obtaining a benefit on this solicitation. Status as a small business and status as a small disadvantaged business for general statistical purposes is covered by the provision at FAR 52.219-1, Small Business Program Representation.

(b) Representations.

(1) General. The offeror represents, as part of its offer, that it is a small business under the size standard applicable to this acquisition; and either--

\_\_\_ (i) It has received certification by the Small Business Administration as a small disadvantaged business concern consistent with 13 CFR 124, Subpart B; and

(A) No material change in disadvantaged ownership and control has occurred since its certification;

(B) Where the concern is owned by one or more disadvantaged individuals, the net worth of each individual upon whom the certification is based does not exceed \$750,000 after taking into account the applicable exclusions set forth at 13 CFR 124.104(c)(2); and

(C) It is identified, on the date of this representation, as a certified small disadvantaged business concern in the database maintained by the Small Business Administration(PRO0Net); or

\_\_\_ (ii) It has submitted a completed application to the Small Business Administration or a Private Certifier to be certified as a small disadvantaged business concern in accordance with 13 CFR 124, Subpart B, and a decision on that application is pending, and that no material change in disadvantaged ownership and control has occurred since its application was submitted.

(2)\_\_\_ For Joint Ventures. The offeror represents, as part of its offer, that it is a joint venture that complies with the requirements at 13 CFR 124.1002(f) and that the representation in paragraph (b)(1) of this provision is accurate for

the small disadvantaged business concern that is participating in the joint venture. [The offeror shall enter the name of the small disadvantaged business concern that is participating in the joint venture: \_\_\_\_\_.]

(c) Penalties and Remedies. Anyone who misrepresents any aspects of the disadvantaged status of a concern for the purposes of securing a contract or subcontract shall:

- (1) Be punished by imposition of a fine, imprisonment, or both;
- (2) Be subject to administrative remedies, including suspension and debarment; and
- (3) Be ineligible for participation in programs conducted under the authority of the Small Business Act.

(End of provision)

#### 52.222-22 PREVIOUS CONTRACTS AND COMPLIANCE REPORTS (FEB 1999)

The offeror represents that --

(a) ☐ It has, ☐ has not participated in a previous contract or subcontract subject to the Equal Opportunity clause of this solicitation;

(b) ☐ It has, ☐ has not, filed all required compliance reports; and

(c) Representations indicating submission of required compliance reports, signed by proposed subcontractors, will be obtained before subcontract awards.

(End of provision)

#### 52.223-13 CERTIFICATION OF TOXIC CHEMICAL RELEASE REPORTING (OCT 2000)

(a) Submission of this certification is a prerequisite for making or entering into this contract imposed by Executive Order 12969, August 8, 1995.

(b) By signing this offer, the offeror certifies that--

(1) As the owner or operator of facilities that will be used in the performance of this contract that are subject to the filing and reporting requirements described in section 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA) (42 U.S.C. 11023) and section 6607 of the Pollution Prevention Act of 1990 (PPA) (42 U.S.C. 13106), the offeror will file and continue to file for such facilities for the life of the contract the Toxic Chemical Release Inventory Form (Form R) as described in sections 313(a) and (g) of EPCRA and section 6607 of PPA; or

(2) None of its owned or operated facilities to be used in the performance of this contract is subject to the Form R filing and reporting requirements because each such facility is exempt for at least one of the following reasons: (Check each block that is applicable.)

☐ (i) The facility does not manufacture, process or otherwise use any toxic chemicals listed under section 313(c) of EPCRA, 42 U.S.C. 11023(c);

☐ (ii) The facility does not have 10 or more full-time employees as specified in section 313.(b)(1)(A) of EPCRA 42 U.S.C. 11023(b)(1)(A);

☐ (iii) The facility does not meet the reporting thresholds of toxic chemicals established under section 313(f) of EPCRA, 42 U.S.C. 11023(f) (including the alternate thresholds at 40 CFR 372.27, provided an appropriate certification form has been filed with EPA);

[ ] (iv) The facility does not fall within Standard Industrial Classification Code (SIC) major groups 20 through 39 or their corresponding North American Industry Classification System (NAICS) sectors 31 through 33; or

[ ] (v) The facility is not located within any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, or any other territory or possession over which the United States has jurisdiction.

**52.226-2 HISTORICALLY BLACK COLLEGE OR UNIVERSITY AND MINORITY INSTITUTION REPRESENTATION (MAY 2001)**

(a) Definitions. As used in this provision--

Historically black college or university means an institution determined by the Secretary of Education to meet the requirements of 34 CFR 608.2. For the Department of Defense, the National Aeronautics and Space Administration, and the Coast Guard, the term also includes any nonprofit research institution that was an integral part of such a college or university before November 14, 1986.

Minority institution means an institution of higher education meeting the requirements of Section 1046(3) of the Higher Education Act of 1965 (20 U.S.C. 1067k, including a Hispanic-serving institution of higher education, as defined in Section 316(b)(1) of the Act (20 U.S.C. 1101a)).

(b) Representation. The offeror represents that it--

( ) is ( ) is not a historically black college or university;

( ) is ( ) is not a minority institution.

(End of provision)

**252.247-7022 REPRESENTATION OF EXTENT OF TRANSPORTATION BY SEA (AUG 1992)**

(a) The Offeror shall indicate by checking the appropriate blank in paragraph (b) of this provision whether transportation of supplies by sea is anticipated under the resultant contract. The term supplies is defined in the Transportation of Supplies by Sea clause of this solicitation.

(b) Representation. The Offeror represents that it:

\_\_\_\_ (1) Does anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

\_\_\_\_ (2) Does not anticipate that supplies will be transported by sea in the performance of any contract or subcontract resulting from this solicitation.

(c) Any contract resulting from this solicitation will include the Transportation of Supplies by Sea clause. If the Offeror represents that it will not use ocean transportation, the resulting contract will also include the Defense FAR Supplement clause at 252.247-7024, Notification of Transportation of Supplies by Sea.

(End of provision)

## SECTION 00700 Contract Clauses

## CLAUSES INCORPORATED BY REFERENCE:

52.202-1 Alt I	Definitions (Dec 2001) --Alternate I	MAY 2001
52.203-3	Gratuities	APR 1984
52.203-5	Covenant Against Contingent Fees	APR 1984
52.203-7	Anti-Kickback Procedures	JUL 1995
52.203-8	Cancellation, Rescission, and Recovery of Funds for Illegal or Improper Activity	JAN 1997
52.203-10	Price Or Fee Adjustment For Illegal Or Improper Activity	JAN 1997
52.203-12	Limitation On Payments To Influence Certain Federal Transactions	JUN 1997
52.204-4	Printed or Copied Double-Sided on Recycled Paper	AUG 2000
52.209-6	Protecting the Government's Interest When Subcontracting With Contractors Debarred, Suspended, or Proposed for Debarment	JUL 1995
52.211-13	Time Extensions	SEP 2000
52.211-18	Variation in Estimated Quantity	APR 1984
52.214-27	Price Reduction for Defective Cost or Pricing Data - Modifications - Sealed Bidding	OCT 1997
52.214-28	Subcontracting Cost Or Pricing Data--Modifications--Sealed Bidding	OCT 1997
52.214-29	Order Of Precedence--Sealed Bidding	JAN 1986
52.219-8	Utilization of Small Business Concerns	OCT 2000
52.219-9 Alt I	Small Business Subcontracting Plan (Jan 2002) Alternate I	OCT 2001
52.219-16	Liquidated Damages-Subcontracting Plan	JAN 1999
52.222-3	Convict Labor	AUG 1996
52.222-4	Contract Work Hours and Safety Standards Act - Overtime Compensation	SEP 2000
52.222-6	Davis Bacon Act	FEB 1995
52.222-7	Withholding of Funds	FEB 1988
52.222-8	Payrolls and Basic Records	FEB 1988
52.222-9	Apprentices and Trainees	FEB 1988
52.222-10	Compliance with Copeland Act Requirements	FEB 1988
52.222-11	Subcontracts (Labor Standards)	FEB 1988
52.222-12	Contract Termination-Debarment	FEB 1988
52.222-13	Compliance with Davis-Bacon and Related Act Regulations.	FEB 1988
52.222-14	Disputes Concerning Labor Standards	FEB 1988
52.222-15	Certification of Eligibility	FEB 1988
52.222-21	Prohibition Of Segregated Facilities	FEB 1999
52.222-26	Equal Opportunity	FEB 1999
52.222-27	Affirmative Action Compliance Requirements for Construction	FEB 1999
52.222-35	Equal Opportunity For Disabled Veterans, Veterans of the Vietnam Era and Other Eligible Veterans	DEC 2001
52.222-36	Affirmative Action For Workers With Disabilities	JUN 1998
52.222-37	Employment Reports On Special Disabled Veterans, Veterans Of The Vietnam Era and Other Eligible Veterans	DEC 2001
52.223-6	Drug Free Workplace	MAY 2001
52.223-14	Toxic Chemical Release Reporting	OCT 2000
52.225-11	Buy American Act--Balance of Payments Program--Construction	DEC 2001



	Materials Under Trade Agreements	
52.225-13	Restrictions on Certain Foreign Purchases	JUL 2000
52.226-1	Utilization Of Indian Organizations And Indian-Owned Economic Enterprises	JUN 2000
52.227-1	Authorization and Consent	JUL 1995
52.227-2	Notice And Assistance Regarding Patent And Copyright Infringement	AUG 1996
52.227-4	Patent Indemnity-Construction Contracts	APR 1984
52.229-3	Federal, State And Local Taxes	JAN 1991
52.229-5	Taxes--Contracts Performed In U S Possessions Or Puerto Rico	APR 1984
52.232-5	Payments under Fixed-Price Construction Contracts	MAY 1997
52.232-17	Interest	JUN 1996
52.232-23 Alt I	Assignment of Claims (Jan 1986) - Alternate I	APR 1984
52.232-25	Prompt Payment	MAY 2001
52.232-27	Prompt Payment for Construction Contracts	MAY 2001
52.232-33	Payment by Electronic Funds Transfer--Central Contractor Registration	MAY 1999
52.233-1	Disputes	DEC 1998
52.233-3	Protest After Award	AUG 1996
52.236-2	Differing Site Conditions	APR 1984
52.236-3	Site Investigation and Conditions Affecting the Work	APR 1984
52.236-5	Material and Workmanship	APR 1984
52.236-6	Superintendence by the Contractor	APR 1984
52.236-7	Permits and Responsibilities	NOV 1991
52.236-8	Other Contracts	APR 1984
52.236-9	Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements	APR 1984
52.236-10	Operations and Storage Areas	APR 1984
52.236-11	Use and Possession Prior to Completion	APR 1984
52.236-12	Cleaning Up	APR 1984
52.236-13	Accident Prevention	NOV 1991
52.236-15	Schedules for Construction Contracts	APR 1984
52.236-17	Layout of Work	APR 1984
52.236-21	Specifications and Drawings for Construction	FEB 1997
52.236-26	Preconstruction Conference	FEB 1995
52.242-13	Bankruptcy	JUL 1995
52.242-14	Suspension of Work	APR 1984
52.243-4	Changes	AUG 1987
52.244-6	Subcontracts for Commercial Items	DEC 2001
52.246-12	Inspection of Construction	AUG 1996
52.247-34	F.O.B. Destination	NOV 1991
52.249-2	Termination For Convenience Of The Government (Fixed-Price)	SEP 1996
52.249-2 Alt I	Termination for Convenience of the Government (Fixed-Price) (Sep 1996) - Alternate I	SEP 1996
52.249-10	Default (Fixed-Price Construction)	APR 1984
52.253-1	Computer Generated Forms	JAN 1991
252.201-7000	Contracting Officer's Representative	DEC 1991
252.203-7001	Prohibition On Persons Convicted of Fraud or Other Defense-Contract-Related Felonies	MAR 1999
252.203-7002	Display Of DOD Hotline Poster	DEC 1991
252.204-7003	Control Of Government Personnel Work Product	APR 1992
252.204-7004	Required Central Contractor Registration	NOV 2001
252.205-7000	Provisions Of Information To Cooperative Agreement Holders	DEC 1991
252.209-7000	Acquisition From Subcontractors Subject To On-Site Inspection Under The Intermediate Range Nuclear Forces (INF) Treaty	NOV 1995

252.209-7004	Subcontracting With Firms That Are Owned or Controlled By The Government of a Terrorist Country	MAR 1998
252.219-7003	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (DOD Contracts)	APR 1996
252.225-7012	Preference For Certain Domestic Commodities	AUG 2000
252.225-7031	Secondary Arab Boycott Of Israel	JUN 1992
252.226-7001	Utilization of Indian Organizations and Indian-Owned Economic Enterprises-DoD Contracts	SEP 2001
252.236-7000	Modification Proposals-Price Breakdown	DEC 1991
252.236-7001	Contract Drawings, Maps, and Specifications	AUG 2000
252.243-7001	Pricing Of Contract Modifications	DEC 1991
252.243-7002	Requests for Equitable Adjustment	MAR 1998
252.244-7000	Subcontracts for Commercial Items and Commercial Components (DoD Contracts)	MAR 2000
252.246-7000	Material Inspection And Receiving Report	DEC 1991
252.247-7023	Transportation of Supplies by Sea	MAR 2000
252.247-7024	Notification Of Transportation Of Supplies By Sea	MAR 2000

#### CLAUSES INCORPORATED BY FULL TEXT

##### 52.211-10 COMMENCEMENT, PROSECUTION, AND COMPLETION OF WORK (APR 1984)

The Contractor shall be required to (a) commence work under this contract within 22 calendar days after the date the Contractor receives the notice to proceed, (b) prosecute the work diligently, and (c) complete the entire work ready for use not later than 70 days. \* The time stated for completion shall include final cleanup of the premises.

\*The Contracting Officer shall specify either a number of days after the date the contractor receives the notice to proceed, or a calendar date.

(End of clause)

##### 52.211-12 LIQUIDATED DAMAGES--CONSTRUCTION (SEP 2000)

(a) If the Contractor fails to complete the work within the time specified in the contract, the Contractor shall pay liquidated damages to the Government in the amount of \$ [Contracting Officer insert amount] for each calendar day of delay until the work is completed or accepted.

(b) If the Government terminates the Contractor's right to proceed, liquidated damages will continue to accrue until the work is completed. These liquidated damages are in addition to excess costs of repurchase under the Termination clause.

(End of clause)

##### 52.219-4 NOTICE OF PRICE EVALUATION PREFERENCE FOR HUBZONE SMALL BUSINESS CONCERNS (JAN 1999)

(a) Definition. HUBZone small business concern, as used in this clause, means a small business concern that appears on the List of Qualified HUBZone Small Business Concerns maintained by the Small Business Administration.

(b) Evaluation preference. (1) Offers will be evaluated by adding a factor of 10 percent to the price of all offers, except--

- (i) Offers from HUBZone small business concerns that have not waived the evaluation preference;
  - (ii) Otherwise successful offers from small business concerns;
  - (iii) Otherwise successful offers of eligible products under the Trade Agreements Act when the dollar threshold for application of the Act is exceeded (see 25.402 of the Federal Acquisition Regulation (FAR)); and
  - (iv) Otherwise successful offers where application of the factor would be inconsistent with a Memorandum of Understanding or other international agreement with a foreign government.
- (2) The factor of 10 percent shall be applied on a line item basis or to any group of items on which award may be made. Other evaluation factors described in the solicitation shall be applied before application of the factor.
- (3) A concern that is both a HUBZone small business concern and a small disadvantaged business concern will receive the benefit of both the HUBZone small business price evaluation preference and the small disadvantaged business price evaluation adjustment (see FAR clause 52.219-23). Each applicable price evaluation preference or adjustment shall be calculated independently against an offeror's base offer.

These individual preference amounts shall be added together to arrive at the total evaluated price for that offer.

- (c) Waiver of evaluation preference. A HUBZone small business concern may elect to waive the evaluation preference, in which case the factor will be added to its offer for evaluation purposes. The agreements in paragraph (d) of this clause do not apply if the offeror has waived the evaluation preference.

\_\_\_ Offeror elects to waive the evaluation preference.

- (d) Agreement. A HUBZone small business concern agrees that in the performance of the contract, in the case of a contract for

(1) Services (except construction), at least 50 percent of the cost of personnel for contract performance will be spent for employees of the concern or employees of other HUBZone small business concerns;

(2) Supplies (other than procurement from a nonmanufacturer of such supplies), at least 50 percent of the cost of manufacturing, excluding the cost of materials, will be performed by the concern or other HUBZone small business concerns;

(3) General construction, at least 15 percent of the cost of the contract performance incurred for personnel will be spent on the concern's employees or the employees of other HUBZone small business concerns; or

(4) Construction by special trade contractors, at least 25 percent of the cost of the contract performance incurred for personnel will be spent on the concern's employees or the employees of other HUBZone small business concerns.

(e) A HUBZone joint venture agrees that in the performance of the contract, the applicable percentage specified in paragraph (d) of this clause will be performed by the HUBZone small business participant or participants.

(f) A HUBZone small business concern nonmanufacturer agrees to furnish in performing this contract only end items manufactured or produced by HUBZone small business manufacturer concerns. This paragraph does not apply in connection with construction or service contracts.

(End of clause)

#### 52.222-23 NOTICE OF REQUIREMENT FOR AFFIRMATIVE ACTION TO ENSURE EQUAL EMPLOYMENT OPPORTUNITY FOR CONSTRUCTION (FEB 1999)

- (a) The offeror's attention is called to the Equal Opportunity clause and the Affirmative Action Compliance

Requirements for Construction clause of this solicitation.

(b) The goals for minority and female participation, expressed in percentage terms for the Contractor's aggregate workforce in each trade on all construction work in the covered area, are as follows:

Goals for minority participation for each trade	Goals for female participation for each trade
[Insert Goals]	[Insert Goals]

These goals are applicable to all the Contractor's construction work performed in the covered area. If the Contractor performs construction work in a geographical area located outside of the covered area, the Contractor shall apply the goals established for the geographical area where the work is actually performed. Goals are published periodically in the Federal Register in notice form, and these notices may be obtained from any Office of Federal Contract Compliance Programs office.

(c) The Contractor's compliance with Executive Order 11246, as amended, and the regulations in 41 CFR 60-4 shall be based on (1) its implementation of the Equal Opportunity clause, (2) specific affirmative action obligations required by the clause entitled "Affirmative Action Compliance Requirements for Construction," and (3) its efforts to meet the goals. The hours of minority and female employment and training must be substantially uniform throughout the length of the contract, and in each trade. The Contractor shall make a good faith effort to employ minorities and women evenly on each of its projects. The transfer of minority or female employees or trainees from Contractor to Contractor, or from project to project, for the sole purpose of meeting the Contractor's goals shall be a violation of the contract, Executive Order 11246, as amended, and the regulations in 41 CFR 60-4. Compliance with the goals will be measured against the total work hours performed.

(d) The Contractor shall provide written notification to the Deputy Assistant Secretary for Federal Contract Compliance, U.S. Department of Labor, within 10 working days following award of any construction subcontract in excess of \$10,000 at any tier for construction work under the contract resulting from this solicitation. The notification shall list the --

- (1) Name, address, and telephone number of the subcontractor;
- (2) Employer's identification number of the subcontractor;
- (3) Estimated dollar amount of the subcontract;
- (4) Estimated starting and completion dates of the subcontract; and
- (5) Geographical area in which the subcontract is to be performed.

(e) As used in this Notice, and in any contract resulting from this solicitation, the "covered area" is [Contracting Officer shall insert description of the geographical areas where the contract is to be performed, giving the State, county, and city].

#### 52.236-1 PERFORMANCE OF WORK BY THE CONTRACTOR (APR 1984)

The Contractor shall perform on the site, and with its own organization, work equivalent to at least 12 percent of the total amount of work to be performed under the contract. This percentage may be reduced by a supplemental agreement to this contract if, during performing the work, the Contractor requests a reduction and the Contracting Officer determines that the reduction would be to the advantage of the Government.

## 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://www.arnet.gov.far>

<http://www.farsite.mil.af.mil>

<http://www.dtic.mil/dfars>

## 52.252-6 AUTHORIZED DEVIATIONS IN CLAUSES (APR 1984)

(a) The use in this solicitation or contract of any Federal Acquisition Regulation (48 CFR Chapter 1) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the date of the clause.

(b) The use in this solicitation or contract of any \_\_\_\_\_ (48 CFR \_\_\_\_\_) clause with an authorized deviation is indicated by the addition of "(DEVIATION)" after the name of the regulation.

